

### **REMARKS**

Claims 99 and 101-118 are pending. Claims 99 and 101-118 are rejected. No amendments are made to the claims by this response. Since Applicants are filing a response to the Office Action on the final six-month date, Applicants are concurrently filing a notice of appeal.

### **IMPROPER FINALITY**

The April 30, 2008 Office Action is improperly final. The Examiner states that "Applicant's amendment necessitated the new ground of rejection presented in the Office Action." This is incorrect. The following claims are original and not amended: 103-112 and 116-118. Thus, Applicants have not amended independent claim 106, nor any of its dependent claims 107-112. These are originally presented claims. Therefore, the new ground of rejection for claims 106-112 could not be necessitated by an amendment. Accordingly, the Office Action is improperly final on that basis. Further, since the limitation of dependent claim 100 was copied into independent claim 99, claim 99 is the same as original claim 100. Since this claim is as originally presented, no amendment by Applicant could have necessitated new grounds for rejection. Applicants respectfully request withdrawal of the finality and allowance of the claims or issuance of a new, non-final office action.

### **REJECTIONS**

Claims 99 and 101-118 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,838,318 issued to Porter et al. ("Porter"). Applicants respectfully traverse these rejection on grounds that Porter is not prior art because it does not pre-date the priority date for the above-referenced patent application and Porter does not disclose the step of "choosing the desired number of activated windows to arrange on the screen in the particular format." The present patent application claims priority to USPN 5,544,352 issued to Egger ("Egger"), which has an earlier filing date (June 14, 1993) than Porter (November 10, 1995).

Porter does not anticipate all of the elements of claim 99 of the present application. Claim recites 99, "choosing the desired number of activated windows to arrange on the screen in the particular format." The Examiner's cited sections of Porter do not disclose this element. For example, col. 7 lines 66-67 of Porter state that "individuals are able to define their own domains," which is not choosing the desired number of activated windows, as in claim 99. In

addition, col. 8 lines 51-59 of Porter only discloses arranging windows on a display by “conventional manners, such as by selection of a menu option or selection of a particular button in a tool bar.” The cited section of Porter does not disclose choosing the *number* of windows to display as in claim 99. Similarly, the cited section of Porter, col. 9, lines 68-67, discloses that “users are able to define the location of different domains on the display.” Nothing in this citation discloses “choosing the desired number of activated windows to arrange on the screen, let alone “in the particular format” as in claim 99.

Claims 101-105 directly or indirectly depend from claim 99 and are therefore not anticipated by Porter.

Porter does not anticipate claim 106 because the priority date for the present application is June 14, 1993 (which is prior to Porter) and the 1993 specification of Egger supports the claims. More particularly, the 1993 specification supports the elements of claim 106 of the present application because it discloses “a method for displaying active information windows on a screen, wherein the information windows are generated by a computer and the screen is operably connected to the computer.” See Egger, col. 9-10, Fig. 1. The 1993 specification further discloses “and wherein the information windows may be displayed in two or more formats,” as recited in claim 106 (see Egger col. 6 ln. 35-40). The 1993 specification also discloses “identifying at least one active window, wherein the identified windows will be displayed in a first format on the screen.” See Egger, col. 6 ln. 36.

Similarly, the 1993 specification discloses “recognizing at least one active window, wherein the recognized windows will be displayed in a second format on the screen,” as recited in claim 106 (see Egger col. 6 ln. 20-25). A *highlighted* box in the 1993 Specification is an example of a second format, as in claim 106, when contrasted with a non-highlighted box in the 1993 Specification. For example, the 1993 specification recites, “a highlighted; textual object active box can be created by clicking on it...” (See Egger col. 26 ln. 50-58, Fig. 5D). The 1993 specification also discloses the element of claim 106 reciting “..and wherein none of the identified windows are recognized.” See for example, Figure 5D and the text including “fewer are visible because the textual object active boxes “tile” on top of one another” (See Egger, col. 26 ln. 54-59, Fig. 5D).

The 1993 specification also discloses “generating a display on the screen for viewing identified windows and recognized windows, wherein a first format display is generated for each

of the identified windows, wherein a second format display is generated for each of the recognized windows, and wherein the second format is different from the first format, comprising arranging the first format displays and second format displays for display on the screen, wherein the computer is used in the arranging step.” See Figure 5A. The GUI program described in the 1993 specification is run by a computer (col. 10 ln. 46, Fig. 1) wherein an integrator “prepares the data to be displayed in the proper format on the display.” See Egger, col. 23 ln. 46-47, Fig. 5A. The 1993 specification also discloses that when a new window is activated, it can be moved about a display in various formats and may be displayed by the GUI program simultaneously along with multiple other active windows (col. 6 ln. 40-45). The computer described in the 1993 specification also performs the steps of “identifying, recognizing and generating when a new window is activated.” For example, when a new active window is opened, it is identified and arranged by the CIDS subroutine on the display (col. 6 ln. 20-40).

Dependent claims 107-112 directly or indirectly depend from claim 106 and are entitled to the 1993 priority date because the additional features recited are found in the priority patent application.

Similarly, the 1993 specification discloses all of the elements of claim 113. Claim 113 recites “a database management system using windows of information and auto-arranging of the windows.” The 1993 specification discloses a database management system using windows, “active boxes and windows...which represent the textual objects retrieved from the database” (col. 6 ln. 22-24). The 1993 specification also discloses “a memory, wherein data for use in generating information windows is stored; a processor, operably coupled to the memory, that auto-arranges the windows of information; wherein the windows of information are automatically arranged, the processor comprising: means for generating windows of information using data from the memory...” as recited in claim 113. See Egger, col. 9-10, Fig. 1. For example, in the priority document, the GUI program (which generates windows of information) resides in the RAM, which is connected to the processor. *Id.*

The 1993 specification also discloses “means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated, and wherein the previously inactive window is displayed in a second format” For example in the

1993 priority document, the tiling of active windows is described and the current active window, or highlighted window, is shown in a different format than the previously opened active windows. See Egger, col. 26 ln. 55-59, Fig. 5D.

The 1993 specification also discloses "a screen, operably coupled to the processor, wherein the screen displays the information windows in an arranged format," as recited in claim 113. See Egger, col. 10 ln. 5-10, Fig. 1.

Claims 114-118 directly or indirectly depend from claim 113 and are entitled to the 1993 priority date since the additional features recited are supported by the priority patent application.

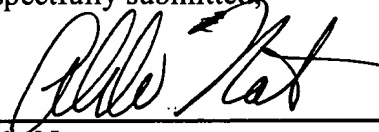
Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porter in view of USPN 5,956,030 issued to Conrad et al. Claim 108 is dependent on claim 106. Claim 108 is patentable over Porter because its priority date is prior to Porter's filing date. Therefore, Porter cannot properly be combined with Conrad and cannot be used as a reference against claim 108.

### **CONCLUSION**

Applicants respectfully submit that the application is in condition for allowance. Therefore, Applicants respectfully request that a timely Notice of Allowance be issued in this application.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,



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